IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3079 of 1990

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HIRALAL P RANA
Versus
BARODA MUNICIPAL CORPORATION

Appearance:
1. Special Civil Application No. 3079 of 1990
MR BHARAT T RAO for Petitioner
MR PRANAV G DESAI for Respondent

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT
Date of decision: 01/12/2004

ORAL JUDGEMENT

The petitioner, an Additional Assistant Engineer in the respondent-Vadodara Municipal Corporation [hereinafter referred to as, "the Corporation"], challenges the order of punishment dated 16th May, 1988 made by the Municipal Commissioner. By impugned order, the petitioner has been visited with punishment of withholding of five increments with future effect.

A disciplinary proceeding was initiated against the petitioner vide chargesheet dated 3rd March, 1986. The petitioner was alleged to have obtained order for drainage connection to certain bungalows contrary to the rules of the Corporation from the Deputy Executive Engineer. The petitioner was also alleged to have been remiss in discharge of his duty by not reporting the illegal connections given by an approved plumber-one Shri Jaidev Sadhu. After holding due disciplinary inquiry, the petitioner was held guilty of both the said charges and was visited with punishment, as stated above.

After arguing the matter at length, learned advocate Mr. Rao has submitted that the petitioner shall make representation with respect to the quantum of punishment imposed upon the petitioner. He, therefore, seeks leave to withdraw this petition. Leave is granted. Petition is disposed of as withdrawn. Rule is discharged. There shall be no order as to cost.

Learned advocate Mr. Rao states that the petitioner shall make such representation within six weeks from today. If such representation is made, the Corporation shall consider and decide the same within three months from the date of the receipt of the representation. The decision of the Corporation on such representation shall be final and binding to the petitioner. Such decision shall not give a fresh cause of action to the petitioner.

{Miss R.M Doshit, J.}

Prakash*